THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.521 of 2006

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06.1.2006

Between:

Smt.K.Vijaya, W/o.K.Laxma Reddy

... Petitioner

AND

The District Collector (Panchayat Raj Wing),

Ranga Reddy District at Hyderabad

And others

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.521 of 2006

ORDER:

The petitioner is sarpanch of Aushapur village gram panchayats. On allegations of financial embezzlements, by proceedings No.B2/1303/ 2005 dated 08.9.2005, the first respondent prohibited the petitioner from drawing funds from Gram Panchayats/SGRY/EFC, pending final orders in accordance with Rule 42(1) of the Rules issued in G.O.Ms.No.30 dated 20.1.1995 (the Rules, for brevity). The proceedings of the first respondent dated 08.9.2005 are assailed in this writ petition.

Inter alia, it is urged by the learned Counsel for the petitioner that as per the provisions of Section 42(1) of the Rules or the second proviso to Section 42(1) of the Rules, power is conferred on District Panchayat Officer to suspend cheque drawing powers of the sarpanch. Under Rule 42(2) of the Rules, any sarpanch is entitled to file an appeal before the District Collector. He, therefore, submits that the order

passed by the first respondent acting as original authority is illegal and arbitrary. The legal position is not seriously disputed by the learned Assistant Government Pleader for Panchayat Raj. He, however, submits the action is initiated under Section 249(6) of A.P.Panchayat Raj Act, 1994 for suspension of the sarpanch from the office and that the District Collector already issued instructions in this regard. In view of the submission made by the learned Assistant Government Pleader, the impugned order dated 08.9.2005 is set aside. Liberty is given to the District Panchayat Officer, if so required, to pass appropriate orders under Rule 42(1) of the Rules or the second proviso to Rule 42(1) of the Rules.

The writ petition is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

January 06, 2006.

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